

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.
an Ontario, Canada corporation,

Plaintiff,

V.

Civ. Action No. 04-12679-MLW

OCEAN SPRAY CRANBERRIES, INC.,
a Delaware corporation,

Defendant.

**PLAINTIFF'S ASSENTED-TO MOTION FOR LEAVE TO EXCEED THE PAGE
LIMITATION FOR ITS OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

Pursuant Local Rule 7.1(B)(4) of the United States District Court for the District of Massachusetts, Plaintiff Amazin' Raisins International, Inc. ("ARI"), through its counsel, moves this Court for leave to exceed the twenty (20) page limitation for its Memorandum in Opposition to Defendant's Motion for Summary Judgment of Noninfringement. ARI requests this Court to enter an Order allowing it to submit a memorandum in opposition not to exceed twenty five (25) pages. The deadline for filing the opposition is February 10, 2006, pursuant the Court's Order of February 10, 2006.

In support of this motion, Amazin' Raisins states as follows:

1. Ocean Spray Cranberries, Inc.’s Motion for Summary Judgment of Noninfringement is based on several substantive grounds that require in-depth legal analysis. This is a complex patent case with many intricate infringement issues, and ARI does not believe it can fully address all of the issues raised in Ocean Spray’s motion in 20 pages.

2. Despite Amazin' Raisins' best efforts, it cannot adequately support its motion in a twenty-page, double spaced memorandum as required by L.R. 7.1(B)(4) without leave of court to exceed this page limitation.

3. Amazin' Raisins expects the Memorandum to be twenty-five pages and therefore requests leave of Court to submit a Memorandum in Opposition not to exceed twenty-five (25) pages.

4. Ocean Spray has assented to this motion, and does not challenge ARI's request for an additional five pages.

WHEREFORE, Amazin' Raisins respectfully requests this Court to:

1. Enter an Order allowing Amazin' Raisins to submit a Memorandum of law in Opposition to Defendant's Motion for Summary Judgment not to exceed twenty-five (25) pages; and

2. Grant such other relief as justice requires.

Dated: February 10, 2006

By: s/Todd S. Werner

ATTORNEYS FOR PLAINTIFF

Nicholas G. Papastavros (BBO # 635742)
Gina M. McCreadie (BBO # 661107)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
Telephone: 617-345-1000

Douglas J. Williams (MN # 117353)
Christopher J. Sorenson (MN # 210118)
Todd S. Werner (MN # 033019X)
MERCHANT & GOULD P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612-332-5300
Facsimile: 612-332-9081

LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that I spoke to Defendant's counsel on Friday, February 10, 2006, to confer and attempt, in good faith, to resolve any potential dispute relating to the above Motion. Defendant's counsel has assented to this motion.

s/Todd S. Werner _____